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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,991	11/15/2000	Masakazu Murata	450100-02833	3333
20999	7590	03/24/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			TRAN, THAI Q	
			ART UNIT	PAPER NUMBER
			2616	
DATE MAILED: 03/24/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/712,991

Applicant(s)

MURATA ET AL.

Examiner

Thai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 0200 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/24/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Applicant's election without traverse of Group I, claims 1-7 in the reply filed on Dec. 27, 2004 is acknowledged.

#### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanda (US 5,930,446).

Regarding claim 1, Kanda discloses a data editing apparatus (Fig. 1) for reediting edited data composed of a combination of a plurality of partial data extracted from at least one material data, which is used in combination with a data recording/reproducing apparatus capable of recording/reproducing the material data and edited data by using a nonlinear-accessible recording medium, the data editing apparatus comprising:

controlling means (a computer 1, col. 2, lines 21-28, col. 2, line 64 to col. 3, line 7 and col. 11, lines 58-64) for controlling the data recording/reproducing apparatus so as to reproduce material data containing at least partial data to be reedited in synchronization with an operation for changing a specified start or end point of the partial data, when the

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start point or the end point of the partial data of the edited data to be reedited is specified; and

editing means (computer 1, col. 2, lines 21-28 and col. 23, lines 24-27) for reediting the edited data in accordance with a determined operation, for determining a new start or end point, the determining operation being performed while the material data is being reproduced in synchronization with the operation for changing.

Regarding claim 2, Kanda also discloses the claimed managing means (computer 1, col. 2, lines 21-28 and the mark IN button 24c and mark OUT button 24f disclosed in col. 9, lines 45-59) for managing location information which represents location of the partial data in the material data,

wherein, when the start point or the end point of the partial data to be reedited is specified, the controlling means replaces the location information regarding to at least either the specified start or end point of the partial data by the start or end point of the material data, and controls the data recording/reproducing apparatus so as to reproduce the material data containing at least the partial data to be reedited in synchronization with operation for changing on the basis of the location information replaced (a replace button 34 disclosed in col. 11, lines 59-64), and

the editing means controls the managing means so as to change the location information managed by the managing means in accordance with the determining operation (computer 1, col. 2, lines 21-28 and the replace button 34 disclosed in col. 11, lines 59-64).

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Regarding claim 3, Kanda discloses the claimed a console (computer 1 having GUI disclosed from col. 2, line 64 to col. 3, line 7) having:

a specifying member (a mouse disclosed from col. 2, line 64 to col. 3, line 7 and the mark IN button 24c and mark OUT button 24f disclosed in col. 9, lines 45-59) for specifying the start point or the end point of the partial data to be reedited, and

a changing operation member (the replace button 34 disclosed in col. 11, lines 59-64) capable of performing operation for changing the specified start or end point of the partial data.

Regarding claim 4, Kanda discloses the claimed wherein the editing means (computer 1, col. 2, lines 21-28 and col. 23, lines 24-27) can operate in a plurality of edit modes, and the console further has an edit mode select switch for selecting the edit mode.

Regarding claim 5, Kanda discloses the claimed wherein the material data contains at least either video data or audio data (col. 2, lines 41-54).

Method claim 6 is rejected for the same reasons as discussed in apparatus claim 1 above.

Regarding claim 7, Kanda discloses a data recording/reproducing apparatus (Fig. 1) capable of reediting edited data composed of a combination of a plurality of partial data extracted from at least one material data, comprising:

recording/reproducing means (hard disk array 2 disclosed in col. 2, lines 21-28) for recording/reproducing the material and the edited data by using a nonlinear-accessible recording medium;

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control means (the computer 1, col. 2, lines 21-28, col. 2, line 64 to col. 3, line 7 and col. 11, lines 58-64) for controlling the recording/reproducing means so as to reproduce material data containing at least partial data to be reedited in synchronization with an operation for changing a specified start or end point of the partial data, when the start point or the end point of the partial data of the edited data to be reedited is specified; and

editing means (computer 1, col. 2, lines 21-28 and col. 23, lines 24-27) for reediting the edited data in accordance with a determining operation, for determining a new start or end point, the determining operation being performed while the material data is being reproduced in synchronization with operation for changing.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to editing device.

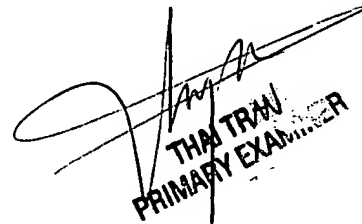
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (571) 272-7382. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ



THAI TRAN  
PRIMARY EXAMINER